

Introduced by Senator Cedillo

February 11, 2009

An act to amend and renumber the heading of Article 2 (commencing with Section 25395.115) of Chapter 6.83, and to repeal Article 8 (commencing with Section 25395.109) of Chapter 6.82, and Article 1 (commencing with Section 25395.110) of Chapter 6.83, of Division 20 of, the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 143, as introduced, Cedillo. Hazardous materials: California Land Reuse and Revitalization Act of 2004.

The California Land Reuse and Revitalization Act of 2004 provides, among other things, that an innocent landowner, bona fide purchaser, or contiguous property owner, as defined, qualifies for immunity from liability from certain state laws for pollution conditions caused by a release or threatened release of a hazardous material if specified conditions are met. The act prohibits an agency, defined as the Department of Toxic Substances Control, the State Water Resources Control Board, or a California regional water quality control board, from requiring one of those persons to take a response action under certain state laws. The act also requires a bona fide ground tenant, as defined, who seeks to qualify for immunity to make all appropriate inquiries and enter into an agreement with an agency along with one or more specified entities that agree to take responsibility for implementation of a site assessment and response plan. The act is repealed on January 1, 2010, unless a later enacted statute deletes or extends that date.

Existing law, which becomes operative on January 1, 2010, provides for the continued immunity of a person subject to the act before its

repeal, after the repeal of the act, if the person continues to comply with the repealed act.

This bill would delete the repeal date of the act, thereby continuing the act indefinitely. The bill also would repeal the provisions providing for continued immunity after repeal of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 8 (commencing with Section 25395.109)
2 of Chapter 6.82 of Division 20 of the Health and Safety Code is
3 repealed.

4 SEC. 2. Article 1 (commencing with Section 25395.110) of
5 Chapter 6.83 of Division 20 of the Health and Safety Code is
6 repealed.

7 SEC. 3. The heading of Article 2 (commencing with Section
8 25395.115) of Chapter 6.83 of Division 20 of the Health and Safety
9 Code is amended and renumbered to read:

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11 Article ~~2-1~~. Public Information

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